

CRANSTON SCHOOL COMMITTEE MEETING AND WORK SESSION

WEDNESDAY, MARCH 12, 2008

WILLIAM A. BRIGGS BUILDING (REED CONFERENCE ROOM)

845 PARK AVENUE

EXECUTIVE SESSION: 5:30 P.M.

PUBLIC MEETING: IMMEDIATELY FOLLOWING EXECUTIVE SESSION

PUBLIC WORK SESSION: IMMEDIATELY FOLLOWING PUBLIC MEETING

MINUTES

A special meeting of the Cranston School Committee was held on the evening of the above date at Western Hills Middle School with the following members present: Mrs. Greifer, Ms. Iannazzi, Mr. Lombardi, Mr. Stycos, Mr. Traficante, and Mrs. Tocco-Greenaway. Also present were Mr. Scherza, Mr. Nero, Mr. Balducci, Mr. Votto, Mrs. Lundsten, Mr. Laliberte, and Attorney Ronald Cascione. Mr. Archetto was absent with cause. He did attend Executive Session.

The meeting was called to order at 6:00 p.m. It was moved by Mrs. Greifer, seconded by Mr. Lombardi and unanimously carried that the members adjourn to Executive Session pursuant to RI State Laws PL 42-46-5(a)(1) Personnel; PL 42-46-5(a)(2) Collective Bargaining/Health Care and Litigation (Possible Litigation – Caruolo Action).

Chairman Traficante reconvened public session at 7:05 p.m.

The roll was called.

I. Executive Session Minutes Sealed – March 12, 2008

Moved by Mr. Lombardi, seconded by Mrs. Greifer and unanimously carried that the March 12, 2008 Executive Session minutes remain confidential.

Chairman Traficante stated for the record that no votes were taken in Executive Session.

II. Adjourn to Public Work Session

Moved by Mr. Lombardi, seconded by Mrs. Greifer and unanimously carried that the meeting be adjourned to the public work session.

1. Presentation / Group Benefit Strategies

Mr. Kevin Walsh of Group Benefit Strategies stated to the committee that he had provide the committee with a February 12th letter that outlines a situation that his company resolved in Massachusetts successfully with the Attorney General. His company represents approximately 250 municipalities and has been in business for

twenty-four years and has never taken broker commissions. The Attorney General had claimed that his company had taken broker commissions with three clients in Massachusetts in 2004. Through the course of one year of paying legal fees, his company provided the Attorney General with documentation on the health plans that they never paid his company broker commissions including documentation from United and Blue Cross of Rhode Island. After fighting it for one year, his company reluctantly

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settled it and only settled it if they did not have to admit to any wrongdoing and didn't have to change any business practices. The Attorney General agreed to that, and his company reluctantly agreed to pay the state \$30,000 to settle that complaint. He indicated that he would be happy to answer any questions, and there were none from the committee.

2. Renovations to Sanders Program

Mr. Zisseron indicated to the committee that he has had discussions with Ms. Sandra Matoian-Heard regarding the renovation to the Norwood Avenue School in preparation for the Sanders Program to that building. Everything will be done in house with the exception of changing some of the glass windows to Plexiglas because there are problems with some of the students throwing things through

windows. They will build a time-out room, and they have to decide where it will go, and that will be done in house. He doesn't see it as an overwhelming project. They will make adjustments to the first floor of the building. He has the staff in house to do this project. He estimated the cost at approximately \$4,000.

3. Proposed 2008-2009 School Calendar

Superintendent Scherza pointed out to the committee that there were two possibilities for the school calendar next year. He indicated that both are the standard school calendar that is agreed upon by the superintendents and the Department of Education. They try to accomplish that the February and April recesses be the same. Other pieces are allowed such as having school districts start in August or after Labor Day. Some take Good Friday and others don't; some take the Jewish holidays and some don't. All of the contractual days are noted on the calendar. The only difference between the two calendars is the holiday break, whether schools are open on the Monday and Tuesday prior to Christmas or shut down for the full two weeks. He stated that he is inclined for a number of reasons to shut down in terms of school attendance for the full two weeks. That would allow them to get more cleaning done and run the utilities lower for a longer period of time. The two-week break at Christmas would give an end date of June 18th. If schools are open on the Monday and Tuesday, schools will close on June 16th. He suggested placing the statement near the top of the calendar that if any school

days are missed prior to the Christmas break, they would be made up on those first two days of the December break. Chairman Traficante asked Mr. Scherza if he was encouraging the School Committee to support the two weeks off during the holiday break, and Mr. Scherza said that he was encouraging it.

Mr. Nero noted that they have scheduled graduation for both high schools on a Saturday. Administration is going to wait to see what happens this year with holding both graduations on a Saturday to see if they want to do the same thing again.

Mrs. Tocco-Greenaway asked if they would be able to ascertain in advance whether or not graduation is going to conflict with the state championships. Mr. Nero responded that he didn't believe that they would take place until after. Mr. Scherza added that the Interscholastic League won't make those decisions until after the calendar has been submitted for approval to the Department of Education. Those dates won't be set until July or August at the earliest. Mrs. Tocco-Greenaway said that she was worried about

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the seniors, and she wouldn't want them to choose between the states and graduation. Mr. Nero stated that the committee can amend the calendar at any point during the school year.

Mrs. Greifer referred to the first day of school starting as early as it is.

She remembered that three years ago the starting date for school was after Labor Day because of contracts. She asked if any thought was given to this early start date. In response, Mr. Scherza said that it affects not only contracts but also construction that is under way. He added that administration has been discussing not having Orientation Day at Rhodes-on-the-Pawtuxet but rather having the orientations at the individual schools. Administration felt that symbolically and realistically spending several thousands of dollars for two hours to have “coffee and” is nice, but in light of the financial school issues, it would not be practical. He explained that each school does its own orientation. Mr. Traficante asked about the orientation for new teachers before school begins, and Mr. Scherza responded that this will still take place.

4. Health Care

Mr. Paul Grimes, representing United Healthcare, made a presentation to the School Committee. A copy of this presentation is available in the Cranston School Committee office. Mr. Scott Matthews, also a United Healthcare representative, was present.

Mrs. Greifer referred to slide No. 19, footnote 3, and asked what PEPM factor means. Mr. Grimes responded that it means Per Employee Per Month which is the amount of projected claims per month for that employee or that subscriber.

Mrs. Tocco-Greenaway asked the meaning of OPEB, and Mr. Grimes indicated that it means Other Post Employment Benefits.

Mr. Mark Gagnon, Dr. Harold Picken, Mr. Richard Grubski, and Ms. Kathy Farrell, representing Blue Cross Blue Shield of Rhode Island, made a presentation to the committee on Blue Cross Blue Shield health care. A copy of this presentation is available in the Cranston School Committee office.

5. GPS System for Buses

Mr. Al Cardi, President of SmartBus Live, Director of Administration, Anthony Melillo, and Director of Marketing, Danny Angeli, made a presentation regarding SmartBus Live to the committee. A copy of this presentation is available in the Cranston School Committee office. Mr. Cardi explained that this program is primarily a safety program with regard to transportation of children on school buses.

During the presentation, Mr. Cardi indicated that all the evidence would go to the police who would determine that it is a violation, and a ticket would be issued. Mr. Lombardi referred to the projection on the number of tickets to be issued which would generate \$3.8 million, one of two things is going to happen. Either that ticket is going to be issued for a traffic tribunal hearing and not a local Municipal Court which is at the state level or if it is heard at the Municipal Court level,

it will be heard in the Municipal Court. Either way the okay for that funding source has to come either from the State or the

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City. Mr. Cardi responded that right now the money goes to the State.

They would have to have legislation in order to enable this equipment to be used for the purpose of a violation. The bill is No. 87755 which is in the Judiciary Committee now and has been introduced on the Senate side. They have confidence that this bill is going to go through. They have been given great confidence that this bill will pass. Mr. Traficante asked who sponsored the bill, and Mr. Cardi indicated that it was sponsored by Representative Patrick O'Neil from Pawtucket and Senator Paul Mora on the Senate side. He met with Speaker Murphy, Leader Fox, and Chief Justice Guglietta and Chairman Costantino. The Chief Justice loved the program, and it was indicated that it would not go to the Tribunal. The person will receive a ticket in the mail to go to the Traffic Tribunal. Mr. Lombardi commented that if someone receives a ticket, they have to go to the Traffic Tribunal. Mr. Cardi responded that the person will see a thirty-second video with their car sliding through the stop sign. Mr. Lombardi commented that this money, whether the person sends the money in or has a hearing, goes to the State.

Mr. Traficante asked if the legislation indicates that a portion of that fine will go to the municipality and a portion to the school

department. Mr. Cardi responded that this is the way the bill has been proposed. There are two parts to this. The first part is the enabling legislation to allow the equipment to be used for the purpose of levying. Their proposal is for 13% to go to the school district and 12% to the municipality. Speaker Murphy likes this concept and ultimately it will end up in the Finance Committee. The goal is to send money back to the school districts and back to the municipalities. Mr. Cardi reminded everyone that right now there is no money that is being divided. The worst case scenario would be that the State decides to keep all the money. There will be equipment on buses providing safety for children that didn't cost the school system a dime or the city a dime; and they have added safety features on these buses; and there is no revenue. If it works the way they would like to see it work, and they have a reasonable amount of confidence that everyone is on board with sending money directly to the schools and to the municipalities along with the State perhaps keeping a portion of that money because this is all found money. It will then be a win-win all the way around. It is not just about the money; it is about the safety for the children.

Mr. Lombardi indicated that he was not concerned about the money; he was concerned about the district being able to do this. He asked if North Providence had installed the cameras on their buses, and Mr. Cardi said that they hadn't. They have agreed to begin the pilot phase whereby no tickets are issued. SmartBus Live loads one to three buses with the equipment, and they move buses around on

different routes to determine where the high traffic issues are. They are testing the feasibility of the program and providing North Providence or any city, such as Providence who they believe are coming on board, with the feasibility and proof of concept. Once that phase works, there is a letter of intent; and the only commitment is that the district would like to put equipment on two buses to see the feasibility of the program. There is no commitment beyond that. Once they do it for thirty days to determine different traffic routes and where the issues are, and the school district gets comfortable with the equipment, it will be determined if someone is going to watch inside the bus or they don't want the cameras active or have the police do it which is the case in North Providence. It will not be SmartBus Live watching the children. The second part is to go forward with the pilot program which is one to three buses to be installed with the equipment; have them

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monitored for thirty days by examining the routes; and they will work with Mr. Zisseron, Director of Transportation, to determine routes. At the end of this period, they will look at the data and the district will choose whether or not they want to go into phase one. Upon completion of the successful pilot, the school district, police chief, and the mayor will evaluate the decision to move forward to phase one which will be to equip up to 20% of the fleet. That would be up to

twenty buses initially. A cooperative endeavor agreement is executed by all the involved parties – city, school, and SmartBus Live in terms of defining responsibilities.

Mr. Cardi explained that in Louisiana the money goes into a trust account where the city and school get their portion, and the company that owns all the rights gets their portion. He understands that right now all the money is going to the State, but now they have to create it so that everyone will share off that revenue because it is clearly found money. The State is not trading dollars here with municipalities or school departments or with them; they are creating dollars because they are not being generated right now all the while providing safety for the children.

Mrs. Greifer indicated that Mr. Cardi had mentioned the procedure for collecting the evidence on the violation and that it would be forwarded to the Cranston Police Department. She asked Mr. Cardi if he has had conversations with the Cranston Police Department saying that they would be willing to devote the personnel to issue these violations. Mr. Cardi said that he has had a conversation with the Cranston Police about this system, and they thought it was a great concept because they feel right now the system is difficult. Bus drivers, after they are through with work, have to go to the police station. Mrs. Greifer asked again if he has had a conversation with anyone at the police department indicating that they would be willing to devote the personnel, and Mr. Cardi responded that he has not had

one specifically on that issue. Mrs. Greifer indicated that if they are not willing to devote personnel to review this evidence, and Mr. Cardi said that they did not specifically on that. Mrs. Greifer added that this is a large piece of this if they are not willing to devote the personnel to review this evidence and then issuing the violations, then it won't get done. Mr. Cardi stated that they are putting one person who would look at a file and this would take one minute. They will look at a snapshot and a thirty-second video. He explained this process in detail. He has been told by Chief Tamburini in Johnston who he did have a conversation with said there would be no problem. He indicated to Mr. Cardi that this would make their lives a lot easier. If this is going to bring revenue into the town and the schools, they would clearly do that. Mrs. Greifer responded that Mr. Cardi had indicated that it would be up to three violations per bus per day which amounts to 300 violations per day or at least one violation per day per bus which is 100 violations. They are not talking about someone to devote one-half hour of their time. Mr. Lombardi explained that if a bus driver witnesses three cars passing him while the stop light is on, it is that bus driver's obligation to file an incident report and file a report with the police. Those reports are being taken by the police. This is just a question as to how it is being taken. The police have an ethical obligation that if someone is reporting that a crime or an administrative violation is taking place they are obligated to take it. It is a lot easier if they are going to accept making their case for them and the ticket gets issued. He can only imagine that when the violations are mailed in there is a 90% collection rate.

Mr. Zisseron stated that this is the third time he has heard this presentation. Mr. Zisseron asked Mr. Cardi when he took this fifty-bus survey and if he was on the buses. Mr. Cardi responded that they walked up to the bus drivers. Mr. Angeli said that it was a four-question survey. They asked the bus drivers as they were getting off their buses, and it was not a scientific survey. Mr. Zisseron told them they came up with 300 violations a day. He emphatically told them that they are selling a product, and they will make money. They are trying to show the School Committee that they can make money. There is no way in this City of Cranston that there are 300 violations a day. He has been in this business thirty-three years, and he considers himself an expert. The law is not going to support this because there is no law on the books. There has to be an officer who witnesses the violation. It doesn't go to Municipal Court; it goes downtown; and it is a state violation. They have had this debate before. If they want to sell their product, Mr. Zisseron told them that they should get the law behind it. A good lawyer would take their video and tear it apart when it is shown. He told them not to use the safety of kids as their line any more because that is after the fact. If the car is going to pass the bus and hit the child, the video will show who hit the child, but the child still has been

hit. That is why they have bus monitors on the bus. The bus monitor's job is to ensure the safety of the child crossing the street. Mr. Cardi indicated that this system will not replace bus monitors.

Mr. Zisseron referred to Mr. Cardi's statement with regard to bullying on buses and fighting on buses. He stated that they may have those issues in other communities, but Cranston does not have major discipline issues on their buses because of the driver, and if there is an incident, it is reported to the school; and the youngster is taken off the bus. They are not dealing with a Providence situation where they have many discipline problems which Mr. Cardi is trying to make this out to be. Mr. Cardi responded that he had stated earlier that this is a national problem. Mr. Zisseron responded that Cranston is not a part of this national thing. When Cranston adopted a bullying policy a couple of years ago and every driver was made aware of it, Cranston is not having those issues. Mr. Cardi asked Mr. Zisseron if he rides the buses, and Mr. Zisseron said that he has. Mr. Cardi said that he has a bus driver who picks up his son at 12:15 p.m. every day, and he asked her how often people pass the school bus when she stops, and she said that it happens quite often. A couple of days went by when they talked again. She indicated to him that the other day he had asked her, and yesterday three people passed her. He asked her to qualify what she meant by often and on a daily basis how many people pass her bus daily, and she said two to three times a day. He asked the afternoon driver the same thing, and she said it happens more often than it should. He asked her to qualify more than

it should; was it twice a week or five times a week, and she said that it was two to three times a day. He lives in western Cranston, and he never would have believed it just like some people here don't believe it.

Superintendent Scherza stated that the school department receives reports when someone passes a bus when a report has to be filed with the police. With 180 school days and with 100 school buses on the road every day and not counting extracurricular activities and three violations which is 54,000, the district doesn't approach even remotely near that number.

Mr. Lombardi asked that suppose there was never an incident on a Cranston bus, if it isn't costing the district anything, he didn't see the objection. He asked Mr. Zisseron

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what his objection is to this plan. Mr. Zisseron responded that he didn't believe that anyone could get something for nothing in life. He was sure that they were not a United Fund agency either. He indicated that he wanted to know what the hidden costs were. He would like to see the law that will back this up because there is no law now to back this up.

Ms. Iannazzi stated that she agreed with Mr. Zisseron, and this is a

waste of the committee's time seeing that there is no law before them.

This is putting the cart way before the horse. To Mr. Cardi's point that bus drivers won't have to testify, she stated that she is a prosecutor and they can't get a tape into evidence without someone there to testify as to the veracity of the tape. They need a police officer or a bus driver there, so there will be contested motions and people testifying in court. Mr. Lombardi commented that assuming that the enabling statute goes through, there is no question that the bus driver has to testify and the chain of custody has to testify. With his experience as a lawyer for twenty years, he believes that this plan will increase the likelihood of a lot of those tickets being paid based solely on the documentary evidence that is mailed to them. He presumed that they are mailing a ticket and a still photo of them going through the stop sign. Unless Mr. Cardi is lying to the committee and there are hidden costs that Mr. Zisseron is talking about, as soon as this enabling statute goes through, he could see nothing objectionable to installing this program.

Mr. Traficante commented that he works with Mr. Paul Moura every day, and he will follow through with him to determine where this legislation is and the possibility of it going through. He finds it highly unlikely that the state is going to relinquish its entire revenue source to find itself to give a portion to the city, school department, and the remainder to the company. If, by chance, the legislation does pass and the district will benefit from it in some way, he saw no objection to the program.

Mr. Cardi explained that it is the legislation that will enable this system to issue a violation. The second piece is how the money gets allocated. As it relates to hidden costs, there are none. He has been a Cranston resident and pays taxes in Cranston, and he wouldn't get up in front of the committee and then all of a sudden tell them there are costs. When he says to them that there are no costs to them or costs to city, they bear the cost. If it works at one ticket a day, it may not work. He may find out that Mr. Zisseron is completely accurate that when they do the pilot and they move those routes around, they may find out that as a company it is not feasible for them to spend \$12,500 per bus loading equipment on no traffic issues. They are predicated on the fact that people will continue as they are in every part of the country to pass school buses illegally just as people continue to run red lights that have cameras on it; they continue to get tickets. Maybe the bus drivers are way off; maybe it is only one a week in which case at the end of the pilot phase, the company will say that this is not going to work because there is not enough revenue to support loading all the buses. The commitment on the committee's end is to say whether or not they want to try this equipment and test the feasibility of it to see if it makes sense and to see if there are traffic issues or a better deterrent on the buses. At the end of this time, the committee may want it, but the company may say there is no money there. He sees it as increasing bus driver focus on safe driving. When the bus driver picks up his son at 12:15 p.m. he doesn't want her writing down anyone's plate number. He

wants her watching his son. He wants her to make sure she is driving within the school limits,

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within the speed limits, and she is doing her job. She has enough to do. She has precious cargo on that bus. He doesn't want her to worry that when his child is coming off the bus that she has to write down on a yellow piece of paper someone's license plate. When she is looking this way, how is she seeing that way? How does she know that three cars didn't just go by if she is watching the children? Providence said that whether or not there is a camera on the bus, if they believe there is, perhaps it is a deterrent. In Cranston, where he happens to think there will be less issues, it has no reflection on the bus drivers or the way transportation is being run. This is just the tendency of children on buses. If they can bully, they will. If they can get away with it, they will.

Mr. Traficante asked Mr. Zisseron if he was willing to try a program similar to the one in North Providence with two buses being a pilot program. Mr. Zisseron responded that he has a problem with it. He would rather have them run their pilot program where they are running it. Once the law is changed in favor that it can be used as evidence, then they can come back and show the statistics for the program. He doesn't have the time to switch cameras here and there and tying up buses. Mr. Cardi responded that Mr. Zisseron doesn't

have to do anything.

Ms. Iannazzi stated that this will cost the school district money because Mr. Zisseron will have to pay for substitute bus drivers when bus drivers have to go to court to testify. Mr. Zisseron added that he will have to pay the time for the bus driver. Mr. Traficante commented that he was referring to the pilot program where no fines would be issued, and there are two buses that will be utilized.

Mr. Stycos stated that he would like to wait to see what happens in North Providence. Mrs. Tocco-Greenaway added that she agreed with Mr. Stycos. Mr. Traficante told Mr. Cardi that he thought Mr. Cardi had his answer. He added that he would follow through with Mr. Moura. Mr. Lombardi asked Mr. Cardi to communicate with the committee when the legislation is passed. Mr. Cardi responded that they are anticipating it will be passed mid April. He said that they can handle only three pilots at one time, and North Providence has already signed on; Providence is looking very seriously about putting this on; they have already begun conversations with Johnston and beginning talks with Pawtucket and Warwick. Once they have three pilots running, this may not happen for another year. They are having no issues with cities or schools wanting to do this because it doesn't cost them anything.

Mr. Zisseron asked who they are dealing with in Providence. Mr. Cardi said that they met yesterday with Superintendent Evans, Mr.

Thibeault, and Mr. Hannah. They almost signed the letter of intent yesterday. They also spoke with Mayor Ciccilini. They met with the person from First Student Safety Services.

Ms. Iannazzi pointed out to Mr. Cardi that it was illegal to use the Cranston city seal on any political or commercial documents. It is stated in the Cranston City Charter. It appears in the upper right hand corner of their presentation.

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6. Meeting Minutes

Mrs. Greifer commented that she had requested this item be put on the work session agenda as a topic of discussion. Mr. Traficante commented that he felt the committee all agreed as to what was discussed earlier in Executive Session. Mrs. Greifer clarified that she had a conversation with Attorney Cascione regarding an issue of the custodians and an issue going to arbitration. She had reviewed her notes, and she didn't feel confident enough with what she had written to go before the arbitrator to state her belief. She had a conversation with Mr. Votto and asked him to review the minutes of that particular meeting. Mrs. Greifer said that it is unclear whether or not the arbitrator will permit the tape and the minutes to be a part of his decision on the matter. However, if it is, it will save \$100,000 in the

current year. No one that she has spoken with can recall another instance where the committee had a close call with the tape recording, and if they stop taping the minutes, they will be very generic and won't contain the detail they might need in the future if something came up to get evidence. The committee should consider continuing this practice. Too often the committee acts with an overabundance of caution for something that really hasn't happened or happened once in anyone's memory. She would rather have more detailed minutes.

Mr. Lombardi pointed out that if the tape were being used in Mrs. Greifer scenario, and it was used to refresh her memory because she had no recollection of it, the tape would come in as evidence and would be an exhibit as long as she truly needed it to refresh her recollection. Mr. Lombardi cited the example of a case he argued before the RI Supreme Court regarding the peer review process. These sessions are to promote frank and open discussion among people, and if they are cloaked with this sanctity of secrecy people would be more likely to speak truthfully during that process. People can speak truthfully, and without the tape, it is the same kind of assurance to the committee that they can speak truthfully, openly, and frankly. It is called Executive Session for a reason. No one other than those present should know what goes on in that Executive Session, and he wouldn't want to give someone an opportunity to get at it as they are in the process of trying to do right now. He requested that the committee not tape Executive Sessions.

Mr. Scherza commented that it is the prerogative of the committee. He has been in systems where they do both. He tended to agree that in Executive Session it could come back to bite the committee that there is specificity in there. It should be summary minutes of actions taken as opposed to every word that everyone said.

Mrs. Tocco-Greenaway agreed with Mr. Lombardi; Ms. Iannazzi agreed with Mr. Lombardi; Mrs. Greifer felt there was valid reasons on both sides. Mr. Stycos agreed with Mr. Lombardi.

III. Adjournment

Moved by Mr. Lombardi, seconded by Mrs. Greifer, and unanimously carried that the work session be adjourned.

There being no further business to come before the work session, it was adjourned at

9:35 p.m.

Respectfully submitted,

Andrea M. Iannazzi

Clerk